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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,884	01/17/2006	Ronny Tourlaimain	WSP235US	1557
490/3	7590	03/02/2009		
MICHAEL L. DUNN SIMPSON & SIMPSON, PLLC 5555 MAIN STREET WILLIAMSVILLE, NY 14221			EXAMINER PUROL, SARAH L	
			ART UNIT 3637	PAPER NUMBER
			MAIL DATE 03/02/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/528,884

Applicant(s)

TOURLAMAIN, RONNY

Examiner

Sarah Puroi

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Applicant's remarks submitted 2/17/09 have been carefully considered and are persuasive. The final rejection is hereby withdrawn.

Regarding claims 15 and 16 and claims 21 and 22, it is noted that the bags recited are not positively claimed. The flexible material webs of claim 21 and 22 are not positively claimed. Regarding claims 25 and 26, the bags are not positively recited. Nevertheless, the examiner has provided herewith several references teaching foldable or collapsible fabric racks for applicant's consideration.

It should be understood that should the fabric or "bags", as applicant prefers to call the material elements be positively claimed, a 103 rejection may be employed with one or more of these references.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 13 -26 rejected under 35 U.S.C. 103(a) as being unpatentable over Hsiung 5560502 (filed Dec. 2, 1994).

Hsiung teaches a folding rack 100 having a base part (113,112) and side frame parts (111,110), the side parts are articulately connected at a lower end to the base part via elements 13, and are pivotal at least about 90 deg. or more in relation to the base part from a position perpendicular to the base part (as shown in Figure 1), to a position substantially parallel to the base part (as shown in Figure 12).

A cross strut (uppermost rods 112 in figure 11)

being articulated to an upper end region of each of the side frame parts (again by elements 13), said struts being pivotal toward one another parallel to the base part (also seen in figure 11), and free ends thereof (not labeled but seen bending inwardly toward the frame center in figure 11) being connectable to one another in a substantially rigid manner so that the upper end regions of the side frame parts are held by the cross struts, at a minimum spacing defined by the cross struts, wherein in a mutually connected condition the free ends of the cross struts engage in one another in a connection region and are held together in substantially rigid manner by a pipe clamp (shown as element A shown in figures 1 and 10) reaching over the connection region, and in that in an unfolded condition the side parts extend parallel to one another and substantially perpendicular to the base part, so that similar racks can be stacked on top of one another with side frame parts aligned with one another.

There is nothing to preclude these racks from being stacked one on top of the other.

The prior art made of record and not relied upon at this time is considered pertinent to applicant's disclosure and presented on the attached Notices of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah Purol whose telephone number is 571-272-6834. The examiner can normally be reached on Tuesday -Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai, can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sarah Purol/

Primary Examiner

AU 3637